

DATE

Mr. Kurt M. Evans, P.E., FITE, FACEC
Chief Executive Officer
Digital Engineering & Imaging, Inc.
527 West Esplanade Ave., Suite 200 Kenner, LA 70065

**Re: Louisiana Board of Ethics Docket No. 2021-845
Advisory Opinion**

Dear Mr. Evans:

The Louisiana Board of Ethics, at its January 7, 2022 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics would prohibit Digital Engineering & Imaging, Inc., a Baton Rouge Metropolitan Airport Commission contractor, from entering into a contract with Atlas Technical Consultants, a firm that employs Baton Rouge Metropolitan Airport Commission Member Matt Butler.

FACTS PROVIDED

You stated that you are the chief executive officer of Digital Engineering & Imaging Inc. ("Digital Engineering"), a Louisiana corporation that contracts with the Baton Rouge Metropolitan Airport Commission ("BOC") to provide engineering services. You stated that Matt Butler, a BOC member, is employed by Atlas Technical Consultants ("ATC"); however, he has no ownership interest in the company. You stated that Digital Engineering would like to enter into a contractual agreement with ATC to provide engineering services as a prime or sub consultant. You stated that Mr. Butler would have no involvement with the contract between Digital Engineering and ATC, nor would Mr. Butler be compensated as a result of the contract. You stated that ATC would provide no services related to any engineering services being provided under contracts associated with the BOC.

LAW

La. R.S. 42:1111C(2)(d) prohibits a public servant and any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

ANALYSIS

Based on the information provided, Digital Engineering would not be contracting with Mr. Butler, but with Mr. Butler's employer, ATC. Further, Mr. Butler does not have any ownership interest in ATC nor would he receive any compensation based on the contract between Digital Engineering and ATC. Although Mr. Butler receives a thing of economic value from ATC in the form of a salary, ATC does not contract with or have a business or financial relationship with the BOC.

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1111C(2)(d) of the Code of Governmental Ethics would not prohibit Matt Butler from being employed with ATC at a time when he serves as a member of the BOC; Digital Engineering has or is seeking to have a contractual, business or financial relationship with the BOC; and, while Digital Engineering has or is seeking to have a contractual agreement with ATC as a prime or sub consultant, provided that services performed by ATC do not involve projects associated with the BOC.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board